



Cochise County

Development Services

Public Programs...Personal Service

www.cochise.az.gov

MEMORANDUM

TO: Board of Supervisors
FROM: Daniel Coxworth, AICP, Development Services Director
FOR: Richard Karwaczka, County Administrator
SUBJECT: Docket R-21-01 (Adult Use Marijuana)
DATE: May 4, 2021

I. BACKGROUND AND PROPOSED CHANGES

Docket R-21-01 is an amendment to the Cochise County Zoning Regulations to regulate the production, processing, retail sale, and testing of recreational marijuana. Arizona voters approved the Smart and Safe Act (Proposition 207) during the November 2020 election, which legalized the recreational use of marijuana by adults 21 years or older. Cochise County voters voted in favor of Proposition 207, 53.4% yes; 43.7% no.

At the February 16, 2021 Board of Supervisors Work Session, Staff presented options to amend the Zoning Regulations, seeking guidance from the Board before presenting to the Planning & Zoning Commission and the Board for final approval.

II. SUMMARY

In summary, the main proposed changes to the Zoning Regulations to allow for recreational marijuana in unincorporated areas of Cochise County are as follows:

- Replace current Medical Marijuana definitions with definitions without the word "Medical."
- Remove unnecessary references to site development standards in Article 18.
- Allow by Special User Permit all marijuana uses in zoning districts: RU, GB, LI, HI.
- Site Development Standards
 - o Increase separation requirements for marijuana establishments to 1000 feet.
 - o Add Churches and Youth-Oriented facilities to separation requirements.

Planning, Zoning and Building Safety

1415 Melody Lane, Building F
Bisbee, Arizona 85603
520-432-9300
520-432-9278 fax
planningandzoning@cochise.az.gov

At the Board of Supervisors meeting on April 20, 2021, the Board heard two appeals for an approved Special Use on Fort Grant Road across from Apple Annie's and existing medical marijuana grow, The Pharm. Based on the Board's discussion at the meeting, the Board may consider increasing the setbacks from the current 500 to 1500 feet (1000 feet is proposed in the Ordinance). The Board may also consider increasing the setback from residential uses from the current and proposed 300 feet to 1500 feet.

All marijuana uses require a Special User Permit approval by the Planning & Zoning Commission, allowing staff to recommend and the Planning & Zoning Commission the opportunity to impose additional site development standards as necessary to mitigate negative off-site impacts.

III. RECOMMENDATION

The Planning Zoning Commission recommends approval (8-1) to the Board of Supervisors.
Staff recommends approval.

IV. ATTACHMENTS

Ordinance and Exhibit A with recommended changes of Cochise County Zoning Regulations.